

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**LON G. REDGATE**

Claimant

VS.

**CITY OF WICHITA**

Respondent

Self-Insured

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Docket No. 210,303

**ORDER**

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes dated August 21, 1996.

**ISSUES**

Respondent contends the Administrative Law Judge erred in making the orders entered in paragraphs 3 and 4 of the preliminary hearing Order. In paragraph no. 3 the Administrative Law Judge ordered respondent to pay for the medical treatment provided by Dr. Iris A. Brossard and Dr. Richard H. Egelhof. Finding no. 4 requires respondent to pay temporary total disability benefits.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments, the Appeals Board concludes that the issues raised by respondent in this appeal are not ones subject to review. The Appeals Board has limited jurisdiction in appeals from preliminary hearings. The review of a decision of a preliminary hearing is limited to review of allegations that the administrative law judge exceeded his or her jurisdiction. This includes review of the issues identified in K.S.A. 44-534a, as amended. The issues raised by respondent in this case do not rise to the level of allegations that the Administrative Law Judge exceeded her jurisdiction. The issues raised are not ones listed in K.S.A. 44-534a, as amended. The contentions by respondent are contentions that the Administrative Law Judge erred in exercise of her authority in rendering decisions within her jurisdiction. The Appeals Board, therefore, concludes that the appeal should be dismissed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the appeal from the preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes should be dismissed and further finds that the Order, dated August 21, 1996, should remain in effect as originally entered.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 1996.

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BOARD MEMBER

c: Robert R. Lee, Wichita, KS  
David J. Morgan, Wichita, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director